

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS**

**TCF INVENTORY FINANCE, INC.**  
**a Minnesota corporation**

**Plaintiff,**

**v.**

**D & D MARINE & OUTDOORS, LLC,**  
**An Alabama Limited Liability Company,**

**and**

**DAVID KYLE BAILEY,**  
**an Individual,**

**Defendants.**

**No. 1:19-cv-00900**

**PLAINTIFF'S MOTION FOR DEFAULT JUDGMENT**

Plaintiff TCF Inventory Finance, Inc. ("TCFIF") and pursuant to Fed. R. Civ. Pro. 55(b), moves for and entry of default and default judgment in the amount of \$180,976.09, representing the principal balance due for inventory financed by TCFIF of \$161,880.29 and interest in the amount of \$19,095.80 as of April 18, 2019, plus attorneys' fees and costs which continue to accrue, against defendants D & D Marine & Outdoors, LLC ("D & D Marine") and David Kyle Bailey ("Bailey"), joint and severally. In support thereof, TCFIF states as follows:

1. TCFIF filed its Complaint in this matter on February 12, 2019. (ECF Dkt. No. 1).
2. D & D Marine was served with a summons and the Complaint on March 25, 2019. (ECF Dkt. No. 8).
  - a. Under Fed. R. Civ. P. 12(a)(1)(A)(i), D & D Marine was obligated to file an Answer or responsive pleading within twenty-one (21) days after service of the summons and Complaint.

- b. The time for D & D Marine to file an Answer or other responsive pleading to the Complaint has expired.
  - c. To date, D & D Marine has not filed an Answer or other responsive pleading to TCFIF's Complaint.
3. David Kyle Bailey was served with a summons and the Complaint on March 25, 2019, 2018. (ECF Dkt. No. 7).
- a. Under Fed. R. Civ. P. 12(a)(1)(A)(i), Bailey was obligated to file an Answer or responsive pleading within twenty-one (21) days after service of the summons and Complaint.
  - b. The time for Bailey to file an Answer or other responsive pleading to the Complaint has expired.
  - c. To date, Bailey has not filed an Answer or other responsive pleading to TCFIF's Complaint.
4. D & D Marine is a business entity, and is therefore, not in the active military. Upon information and believe, David Kyle Bailey is not in the active military. **Exhibit A.**
5. Under Fed. R. Civ. P. 55, default judgment is appropriate because D & D Marine and Bailey have failed to plead or otherwise defend. "Rule 55(b) permits the Court to enter default judgment against any party, with notice of the pending application for judgment, who fails to appear and respond to the allegations of the complaint." *In re Uranium Antitrust Litig.*, 617 F.2d 1248, 1258 (7th Cir. 1980).
6. Therefore, TCFIF now seeks a default judgment in the amount of \$180,976.09, representing the principal balance due for inventory financed by TCFIF of \$161,880.29 and

interest in the amount of \$19,095.80 as of April 18, 2019, plus an award of attorneys' fees and costs, entered against D & D Marine and Bailey, jointly and severally.

7. This amount due to TCFIF is established by the Complaint, the Exhibits thereto, and the Declaration of Neal Roller, **Exhibit B** hereto.

WHEREFORE, TCF Inventory Finance, Inc. respectfully requests that this Court enter an order of default judgment against Defendants D & D Marine & Outdoors, LLC and David Kyle Bailey, joint and severally, in the amount of \$180,976.09 as of April 18, 2019, with costs to be taxed against D & D Marine & Outdoors, LLC and David Kyle Bailey, and for such other and further relief as the Court deems just and proper.

Dated: July 2, 2019

Respectfully submitted,

By: /s/ William R. Bay

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